[illegible]

VINDICATED

Or the

JUDGMENT of an Eminent Nonconformist MINISTER

of LONDON, concerning the

FOUR QUESTIONS

VIZ.

Q. I. Is it Lawful in Swearing to *lay the Blood upon the Hand*?

Q. II. Is it Lawful to *Kiss* in Swearing?

Q. III. May one that scrupleth thus Swearing himself, yet [illegible] *enforced*, give an Oath thus to *another* that scrupleth it not?

Q. IV. How *sin* is Swearing by Creatures a Sin?

Whereto several OBJECIONS about the [illegible] *QUESTIONS* are *Answered*.

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OBJECTIONS *against the* English *manner of* Swearing ANSWERED.

IN the Title-page, the Lawfulness of *Laying the hand on*, and *Kissing* the Book, are made *two several* Questions, which may here be comprehended in *one*, to both which *one Answer* may be Sufficient.

Quest. 1. *IS it lawful to lay the hand on the Bible and kisse in* Swearing?

Answ. It is not Unlawful.

Proved 1st. That which is not *forbidden* by God, is *lawful* (before God) But so to take an Oath is not forbidden by God —— Therefore, &c. The minor will be proved sufficiently by Disproving all the pretenses of a Prohibition. The major needeth no Proof.

2. If it be forbidden it is either, 1. As an Act in Worship *not commanded*, and so *Will-worship*, 2. Or as a *significant Ceremony* in worship not commanded, 3. Or as an uncommanded significant Ceremony, which hath in it self some forbidden *matter* or *manner*: But it is *not forbidden* in *any* of these respects, therefore *not at all*.

1. Not as an Act *not commanded* in worship: Then all Acts in worship not commanded would be unlawful, which is false; For, 1. The Acts used in swearing, *Gen.* 24. 2. & 14. 22. *Rev.* 10. 5. were not *commanded* and yet lawful: as which more anon. 2. God hath not commanded what Tune to sing a Psalm in, what Division to make of the Bible into Chapters & Verses, whether to use a written or a printed Bible, what words, what method, what particular Texts to choose, what Translation to use, with many such like.

1. Not as a *significant Ceremony* not Commanded: For then all such should be forbidden, which is not true. For 1. *Abraham's* Swearing by lifting up the hand (and so the Angels *Rev.* 10. 5.) and *Abraham's* servant by putting his hand under the thigh were significant Ceremonies: And he that will say they were *commanded* must prove it: The contrary may well by us be supposed, 1. Because no such Law is notified in Scripture, and here *non apparent* and *non esse* are equal, because of the perfection of Gods Laws. 2. Because it is mentioned as *Calvin* & other Commentators note, as some accustomed Rite, and so depending not on any particular Precept to *Abraham* alone as a Prophet. 3. Because there is not one but *several* sorts of Swearing Rites that are mentioned, *Lifting up the hand*, and putting it *under the Thigh*.

2. Almost all Christians do take some uncommanded significant Cere-

Swearing to be lawful. The Ceremony mentioned by *Paræus ibid.* as used in the Palatinate is such, of *lifting up three fingers*. The English Annotations tell you that the customs of countreys are very various in this point, yet most agree in adding some outward attestation of Action or gesture to words in taking of an Oath to make it better remembred and more regarded than bare words of Affirmation, Promise or imprecation. And *Josephus* (cited by *Grotius*) tells us 'twas then the custom among the Jews to swear by this Ceremony of *putting the hand under the thigh*.

3. An Action of another part of the body is no more forbidden to express the mind by, than of the tongue: God never said, you shall no way express your minds in things Sacred or civil, but by the Tougue: a change of the *countenance* may express it: a frown or a pleasant look. (*Index animi vultus.*) *Paul* did *lift up the hand* to the Jews when he would speak for himself: Christ made as if he would have gone further, *Luc.* 24. Words are not *natural* signs, but *invented* & *arbitrary* in particulars, tho' the *Power* of speaking words so *invented* & *learned* be natural. If it be lawful to use significant *words*, not commanded in Worship, it is lawful to use significant *Actions* (under due regulation) Therefore all the ancient Churches, without one Contradicter that ever I read of, did use many such. To *stand up* at the Creed is a significant expression of Consent, which not only all the Churches else, but the old *Non-conformists* never scrupled, nor do the *present* as far as I can learn: Whether to *sit, stand, or kneel*, at singing Psalms, is left at liberty: To put off the hat, is a significant Ceremony or act in worship, not commanded in it self, nor used of old for the same signification as now: and where *covering* the head does signify *reverence*, it is better than to be bare. God hath commanded us the *expressing* of consent, reverence, &c. but left the word, gesture or expressing *sign* to liberty. He that affirmeth that God has left no other signification of our minds in sacred things to our liberty, but tyed us to *Words* alone, must prove what he saith (which he must do against *Scripture*, against Nature, and against all the judgement and custom of all Christ's Churches and of the world.)

III. If *laying the hand on the Book*, and *Kissing* it be unlawful for any special matter or manner forbidden more than other significant acts, it is for some of these Reasons in the Objections following; which now I will answer.

I. Object. *It savoureth of the Romish Superstition.* Answ. 1. *Not at all*: Let him prove it that *can*. 2. Superstition is the feigning of things to be pleasing or displeasing to GOD which are not, and using or disusing them accordingly: whatever be the Etymologie of the word (*Superstitutum Cultus*, or *supra Statuta*, &c.) it is certain that the common use of it among Heathens & Christians was for an erroneous undue fear of God, thinking this or that was *displeasing* or *pleasing* to Him to be done or to be avoided which was not so, but was the conceit

conceit of a frightned mistaking mind. Therefore to say that God is displeased with this signification of the mind, when it is not so, nor can be proved, is Superstition. And this is not the only instance of Satan's introducing Superstition under pretense of *avoiding* Superstition.

2. The Sense of the Law is to be judged of *by* the Law, and by the notorious Doctrine & profession of the Law-*makers* and of the Land; which here *renounceth* the *superstitious* use of it. But I confess I was more afraid that the Papists had too much derogated *from* the Scripture, than given too much *to* it: and they profess they swear not by a Creature. as *Paræus in Gen.* 24. 2.

II. Object. *But Paræus*, in Gen. 24. 2. saith, *Non absque superstitione fit cum super Crucifixum aut Codicem Evangelii digitis impositis juratur, ut fit in Papatu.* *Answ.* 1. But that same act which *in Papatu* is superstitious, because of superstitious *conceits* & *ends*, is not so in all others which have none such. 2. It's one thing to be quick in accusing our adversaries; but *Paræus* addeth not a *syllable* of Proof; and if he *had*, it must have been such as touch't not us, or else invalid.

Object. III. *Some* good *men have scrupled it.* *Answ.* Ten thousand to one *such* have *not* scrupled it. 2. They are not our *Gods* nor *Law*. And if we avoid all as sin which some good men have scrupled, we shall make Superstition a great part of our Religion: And when, on the same grounds, we have but practised all as duty which some good men have taken for duty, we shall quite out-go the Papists.

Object. IV. *Our Common-Law Commissions, that give authority to examine persons, direct it to be done* supra Sacramenta sua per sancta Dei evangelia fideliter præstanda: *And in the form of Administration in Ecclesiastical Courts the words are* Ad sancta Dei Evangelii rite & legitime jurati: *Whether these Forms do not infer that in their first use, (at least) persons either swore by the* Evangelists *or offended in the mode of swearing: And our Common Law calls it a* Corporal *Oath, from* touching *the Book.*

Answ. 1. To know the *sense* of our present Law, it is not necessary that we know the sense of the *first users* of the Form: For the Law is not now the King's Law that first *made* it, but the Kings Law that now *reigneth*, and beareth *his* sense. 2. To justifie our obedience to a Law, it is not necessary that we prove every Phrase in that Law to be fitly expressed. 3. But examine it well, and try whether it be not also fit and laudable.

1. There are three things conjoined in the Oaths in question. 1. A *testimony Assertory* or a *promise*, 2. An *Oath*, 3. An *Imprecation*. The *Assertory* Testimony is here the *first thing intended*; and the *Oath* and *Imprecation* are but as a means to make that Testimony or promise *valid*. 2. The published Doctrine of *England*, in the 39 Articles, the Book of *Ordination*, &c. is that the Holy Scriptures contain

contain all things necessary to Salvation, as being God's Law or Rule of our *Faith* and *Life*. All our Duty to God is there commanded: All the *Promises* on which we hope are there contained; all the Punishments which the *perjured* or any sinner must *feel* and should *fear*, are there threatned. Therefore, 3. The *Laying on the Hand* and *Kissing* the Book, is an *Action* directly related to the *Imprecation*, and *not* to the *Oath*, but only by consequence, as the Imprecation is subservient to the Oath, as the Oath is to the Assertion. So that this is the plain Paraphrase of the whole, [*I do believe that God the Ruler of all the world, is the Judge of secrets which are above mans Judgement, the Searcher of hearts, and the hater & avenger of* Perjury, *according to* this *His holy* Word *by which He governs us: And to this God I appeal as to the Truth of this my Testimony, consenting my self to lose all the benefit of his promises to the just, and to bear all the punishments here threatned to the Perjured, if I lie.*]

And what can be said more fitly, 1. To own the Protestant Doctrine that the Scripture is God's perfect Word: that the evil to be feared, and the good to be hoped for, is all there contained, and is all the fulfilling of that Word? 2. And to put the *word* in its due subordination to GOD? And our ordinary Form of Swearing sheweth this [*So help you God, and the Contents of this Book.*] Whether you will call this, *Swearing upon or by the Gospel*, or call it *a Corporal* Oath, or a *Spiritual Oath*, is only *de nomine*, and is nothing to the *matter* thus truly described. *Sacramentum* signifieth the Oath it self, and *Ad sanctu Evangelia* is a fit Phrase: or if *supra Sacramenta* signifie the two Sacraments of the Gospel, it can mean no more than [*As one that by the Reception of the* Sacrament *doth profess to believe this Gospel to be true, I do renounce the Benefits of it, if I lie.*] And in this sense it has been some mens custom to receive the Sacrament when they would solemnly Swear.

Object. V. *Some seem to object against* Kissing *the Book, as having the greater appearance of giving too much to it, or putting some adoration on it; and because this Ceremony of kissing is held to be of later date than laying on the hand.*

Answ. The Ceremony signifieth that I love & approve the Gospel, and place the hope of my salvation in it. And the publick Doctrine of the Kingdom, before cited, sheweth as a full Exposition what we ascribe to it. But as some scrupulous Brethren in *Scotland* gratify the Papists by rejecting the Oath of Supremacy, which is the most thorny hedge against them, and this while they cry out against *Popery*; so others would gratify the Papists, by *suggesting* that we give too much to the Bible, and adore it; when the very sum of *England's* Protestantism, is their just ascribing to the Holy Scriptures its Sufficiency as to all things necessary to Salvation. Thus Satan undoeth still by *over*-doing.

Object. VI. *But Laying on the hand, and kissing the Book, seem of the same nature with the Cross in Baptism, & other significant ceremonies; and an Oath is part of*

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the Worship of God; therefore not to be taken with these ceremonies, or else will seem to justifie the other.

Answ. 1. Significant Words, Gestures or Actions are not therefore evil, because they are *significant*, (unless bruitishness be a vertue) nor because any call them by the name of *Ceremonies* (else that name might be put upon any thing to deprive us of our liberty). Therefore I can judge of no Ceremony by that general name alone, till it be named it self *in specie*. 2. And of the *Cross*, there are these notorious differences in the case: 1. The Cross is an *Image* used in Gods Worship: though not a permanent, yet a *transient* Image, and used as an Image of the Cross of Christ, though but in water or oyl. And God hath more specially forbidden images used in His Worship, than He hath done a professing significant *word, gesture* or *action*, which is no image, nor used as such. 2. The Cross seems to be a third *Sacrament* of the Covenant of Grace, while it is used as a Symbol of Christianity, and a *dedicating sign*, (as the Cannon calleth it) by which before the Church, there is made a solemn *self-Obligation* as *sacramentally*, to *Renounce the Devil, the world & the flesh, and manfully to fight under Christs banner*, &c. Implying our *trust* and *hope* in Christ crucified for the benefits of His death. So that if it be not a compleat third Sacrament, it hath so much of that which is proper to a Sacrament, that for my part, I dare not use it. And as I think the King would not take it well, when he has made the *Star* the Badge of the *Knights of the Garter*, if any Subject should presume to make another *Symbolum Ordinis* (though yet many a significant Gesture or Act may be used without offence); So I fear Christ would not take it well of me if I presume to *make* or *use* another Symbol or *Tessera* of Christianity. But what's this to *things* or *Gestures* significant of no such kind? You see then the difference of these Cases.

But if the Cross could be proved as harmless as the Swearing Ceremony, it would be for the Cross, and not against the laying the hand on the Book and Kissing it: For 1. I am not of their mind that form their judgement of other particulars to suit with their pre-conceived opinions of things of the same rank or quality; nor make the interest of my former conceptions, to be the measure of my after judging. 2. Nor do I think it so great an honour to be strict in my opinions, as *dishonour* to be *superstitious*, and to *add to God's Law*, by saying that [He forbiddeth what He doth not, or to be affectedly singular in denying lawful things, with a *Touch not, taste not, handle not*, &c. Nor do I esteem him to be the wisest, best, or holiest person who is narrowest or strictest in his Opinions, but who is *rightest*; nor him that *maketh most* things to be sins, but him that *committeth least* sin, which is such indeed; nor him that maketh most Laws to himself and others, but him that best obeyeth *God's* Laws.

Quest. 3. *May one that scrupleth thus swearing himself, yet Command, give an Oath thus to another that scrupleth it not?*

Answ.

Answ. If the thing be (as is proved) lawful, his scruple will not make him innocent in neglecting the duty of his place. 2. If the Substance of the Oath were *lawful*, and only the *Mode* or *Ceremony* were sinful (as suspected), then 1. If the Commissioner must himself *particularly command that mode*, it were unlawful for him to do it. 2. But if he only *command*, and give the Oath as an *Oath*, leaving the *Mode* without his Approbation or Command, to the Taker & the Law, he may so give the Oath. And Thus Christians in all ages have taken it for Lawful to make Covenants even with *Infidels* and *Idolaters*, and to take a *Turks* Oath by *Mahomet*, when it is only the *Oath* that *we* demand, and the *Mode* is his *own*, which we had rather be without, and give no Approbation of. And if a King may thus demand an Infidel's or an Idolater's Oath, (as God Himself doth mens duty, when He knows they will sin in doing it) much more may one do so, in case of a doubtful *Ceremony*, which he is neither the Author nor approver of. But I think this in question is lawful, fit, and laudable.

Quest. 4. *How far is Swearing by Creatures a sin?*

Answ. It is just like the case of *Worshipping Images* or *by Images*: He that worshippeth an *Image* or *any Creature as God*, and *ultimately terminateth* his worship in it, doth commit *direct* and *full Idolatry*; which is so much the *greater* sin, by how much the *baser* the thing is which he *idolizeth*. But if he maketh the *Image* or *Creature* but his *medium* of that Worship which should be *immediately* offered to God; in whom it is *ultimately terminated*, then it is not *gross Idolatry*, but it is *false* and *forbidden worship* of the *true GOD*: but if the Creature be made but the *Medium* of *that Worship* which God would have offered Him *by a Medium*, then it is lawful so to use or worship it: (As to honour and admire God as appearing in His *Works*; to give that Worship, or Honour to our *Parents* or *Rulers* as His *Officers*, which is ultimately *terminated* in God: just so it is in the case of *Swearing*: for *Swearing* is a part of the *Worship* of God. He that sweareth by any Creature as a God, or as the avenger of those that by falshood elude the Judgement of *man*, doth commit Idolatry in it: as *Julian* did when he swore by the *Sun*, (which he praised in his Orations, and worshiped as God). But he that only sweareth so by a *Creature*, as to *intend God ultimately*, as the *witness* & *avenger*, but yet *so* as that the *creature only* is named, or *so named* as hath an *appearance* of Idolatry, or tends to entice the mind from God, doth swear by the *true God intentionally*, but in a *sinful manner*. But he that *directly* sweareth by God (upon a just call), and *by the creature* (or *nameth* the creature rather) but in a just and clear and inoffensive *subordination* to God, is excusable. So we use to lay our hands on the *Bible*, and thus to swear; *So help me God, and the Contents of this Book.* Thus on great occasions many good men in their *Writings* to clear themselves from some *calumny* have said, *I call God, and angels, and men to witness.* Many in naming *creatures* intend rather a *Curse* than a *Swearing by the creature*: as [*if it be not so, let God destroy me by this Fire, or this Water, &c.*]

FINIS

A Short Discourse wherein
the Book entituled, The English
Manner of Swearing vindicated
is partly Answered, and
The Unlawfulness of Laying
the hand on, and kissing of the
Bible in swearing is partly e-
vinced.

Composed by Nathaniel Clap jun.
for his own private use.

[illegible] Baal? —
[illegible] himself Jud. 6.31.
[illegible] Popish superstition for men in
taking an oath to touch the Gospel with
their fingers. Pareus comment. in Gen. 24.22.

Boston. written in the year. 1698.